

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 9, 2006. Claims 1-20 are pending in this application and are rejected in the Office Action. Claims 1-10, 13-17, and 20 are rejected, and Claims 11, 12, 18, and 19 are objected to. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 11, 12, 18, and 19 would be allowable if rewritten in independent form. However, as discussed below, Applicants believe that the independent claims from which these claims depend are in condition for allowance. Therefore, Applicants have not rewritten Claims 11, 12, 18, and 19 in independent form.

Section 102 Rejection

The Examiner rejects Claims 1-10, 13-17, and 20 under U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0128985 issued to Elbers et al. ("*Elbers*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P § 2131 (*emphasis added*).

Claim 1 of the Application recites the following limitations:

A node for an optical network, comprising:
at least one transport element operable to be coupled to the optical network, the transport element comprising an add/drop element comprising:
a rejection filter operable to split an incoming signal that comprises traffic in a plurality of sub-bands into a first signal and a second

signal, the first signal comprising the traffic in a first sub-band of traffic channels and the second signal comprising the traffic in the remaining sub-bands of traffic channels of the incoming signal;

a bypass element operable to:

receive the traffic in the first sub-band from the rejection filter;

reject the traffic in a first portion of the first sub-band;

and forward the traffic in a second portion of the first sub-band; and

an add element operable to:

receive the second signal from the rejection filter without the second signal passing through the bypass element;

receive the traffic in the second portion of the first sub-band from the bypass element; and

combine the traffic in the second signal with the traffic in the second portion of the first sub-band for transport on the network.

Independent Claims 13 and 20 recite similar, although not identical, limitations.

Independent Claim 1 (as well as independent Claims 13 and 20) is allowable because *Elbers* does not disclose each and every one of these limitations. For example, *Elbers* does not disclose “a bypass element operable to: receive the traffic in the first sub-band from the rejection filter; reject the traffic in a first portion of the first sub-band; and forward the traffic in a second portion of the first sub-band.” The Office Action asserts that these limitations are disclosed by the central elements (ZE) of *Elbers*. However, *Elbers* only discloses that a central element can extract particular sub-bands received from the subband demultiplexing device SDMUX and insert new signals on the sub-band level. There is no disclosure that a central element can reject traffic *in a portion* of a sub-band and forward traffic *in another portion* of the same sub-band. The only disclosure in *Elbers* is that the central element treats all traffic in a sub-band in the same manner.

Furthermore, *Elbers* does not disclose “an add element operable to: receive the second signal from the rejection filter without the second signal passing through the bypass element.” The Office Action asserts that the claimed add element is disclosed by the SMUX of *Elbers*. However, *Elbers* does not disclose receiving any portion of an incoming signal at the SMUX other than via the central element. Although Applicants disagree that the central element discloses the claimed bypass element, *Elbers* discloses that any sub-band that is

demultiplexed by SDMUX is passed to the SMUX via the central element. Therefore, even assuming only for the sake of argument that the SDMUX is a rejection filter and that the central element is a bypass element, *Elbers* does not disclose any element that receives a “second signal” from the SDMUX (the second signal comprising the traffic in all but a first sub-band of an incoming signal which was split off by the SDMUX) without the second signal passing through the central element. This is because the central element is not a bypass element as claimed.

For at least these reasons, Applicants respectfully submit that Claim 1 is in condition for allowance. Furthermore, independent Claims 13 and 20 recite similar, although not identical limitations, and are allowable for similar reasons. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 13 and 20, as well as the claims that depend from these independent claims.

Furthermore, in addition to being allowable as depending from an allowable independent claim, many of the dependent claims recite additional limitations that are not disclosed in *Elbers*. The following dependent claims are provided as examples only and the use of these examples is not meant to indicate that other dependent claims are not also allowable due to their recited limitations.

For example, Claim 3 recites a “a drop coupler operable to: drop a first copy of the incoming signal for communication of at least a portion thereof to one or more clients of the node; and forward a second copy of the incoming signal to the rejection filter.” Claim 15 recites similar limitations. The Office Action asserts that these limitations are disclosed by circulator Z11 of *Elbers*. However, the circulator does not make multiple copies of an incoming signal and it does not drop any signals for communication to one or more clients of the node. Furthermore, the Office Action provides no explanation as to how the circulator performs these limitations. For at least these additional reasons, Applicants respectfully request reconsideration and allowance of Claims 3 and 15.

In addition, Claim 4 recites “a distributing element comprising: a splitter operable to make a plurality of copies of the first copy received from the drop coupler; [and] one or more

filters each operable to receive one of the plurality of copies and to forward one or more wavelengths of the received copy.” Claim 7 recites similar limitations. The Office Action asserts that these limitations are disclosed by the ADS of *Elbers*. However, the DMUX of the ADS does not make multiple copies of an incoming signal (it instead separates an incoming signal into constituent channels). Furthermore, the Office Action provides no explanation as to how any element of the ADS discloses “filters each operable to receive one of the plurality of copies and to forward one or more wavelengths of the received copy.” For at least these additional reasons, Applicants respectfully request reconsideration and allowance of Claims 4 and 7.

Moreover, Claim 6 recites “an add coupler operable to: receive from the add element the combined traffic from the second signal and the second portion of the first sub-band; receive add traffic in the first portion of the first sub-band; and combine the add traffic and the traffic from the add element for transport on the network.” The Office Action asserts that these limitations are disclosed by the MUX of the ADS of *Elbers*. However, the MUX of the ADS does not receive anything from the SMUX (which is what the Office Action asserts to be the claimed add element). For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claim 6.

CONCLUSION


Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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